REMARKS

In view of the following remarks, the Examiner is respectfully requested to withdraw the rejections and allow claims 1-10, 12-24 and 26, the only claims pending and currently under examination in this application.

Previously, Claims 1 and 14 were been amended to specify that the glass layer is continuous. As previously asserted, support for this amendment can be found, among other locations, in the specification where an example of the recited glass layer as element 14d in Figure 3, is provided. In Figure 3, element 14d is shown as a continuous structure or film. Furthermore, the specification teaches ways to make this layer at page 14, lines 5 to 6, which include sputtering and chemical vapor deposition, which would result in a layer that is a continuous structure or film, as depicted in Figure 3.

In the Advisory Action of, the Examiner asserts that the amendment may introduce new matter. However, the amendment does not introduce new matter. The term "continuous" means: "marked by uninterrupted extension in space, time, or sequence." (Merriam-Webster Online Dictionary). In the context of substrates, this term means that the substrate surface is not interrupted, e.g., by holes. The cited sections of the application certainly show such a surface, and therefore these previous amendments do not introduce new matter to the application.

Claims 8 and 19 continue to be rejected under 35 U.S.C. § 112, first paragraph for an asserted lack of enablement with respect to the term "reference unit." In maintaining this rejection, the Examiner continues to assert that one needs to know the type of Xe lamp employed, as well as the geometry of illumination.

However, as pointed out before, the specification teaches that:

"Reference unit" in relation to fluorescence measurements herein means **the maximum fluorescence obtainable** from a fused silica, or one-third

> the maximum value obtainable from a borosilicate glass. All fluorescence measurements herein, unless otherwise indicated, are integrated fluorescence emission energies from 547 nm to 597 nm, which result from a 1 mm thick section of material, using a monochromated high pressure Xe lamp excitation source centered at 532 nm with a width at half-maximum of about 5 nm. All ratios assume the same unit area of illuminated material. The following may be used as the foregoing referenced materials (available from the National Institute of Standards and Technology, Maryland, U.S.A.): fused silica - Standard Sample 198; borosilicate glass - Standard Reference Material 93a. [emphasis added]

Because the definition is tied to the maximum fluorescence obtainable, or a fraction thereof, this necessarily means that one uses the Xe lamp in a manner that provides the maximum fluorescence when determining units. Because the specification teaches that a Xe lamp must be used in this manner, one of skill in the art does not need to have specific voltages or angles recited in the specification. One of skill in the art will readily know how to operate a lamp in this manner, e.g., to provide maximum fluorescence obtainable. As such, one of skill in the art would find these claims fully enabled and therefore this rejection may be withdrawn.

The Examiner discounts the above reasoning by describing the reasoning as "mere argument of counsel." However, it is respectfully submitted that this reasoning is sound and demonstrates why one of skill in the art would not find this term ambiguous.

In the Final Rejection, Claims 1-5, 7, 9, 13-16, 18, 24 and 26 were rejected under 35 U.S.C. § 102(a) as being anticipated by WO 01/18524.

As previously pointed out, all of the pending claims of the present application include the following elements:

(a) a plastic base layer;

(b) a continuous glass layer forward of the base layer;

(c) an array of polymers having a pattern of features on a front surface of the glass layer; and

(d) a layer between the base and glass layers that blocks at least 10% of an illuminating light incident on said front surface from reaching the plastic base layer;

WO 01/18524 teaches a structure in which a population of microspheres are distributed on the surface of a substrate.

As such, in rejecting the claims of the present application as anticipated by the structure disclosed in WO 01/18524, the Examiner equates the glass microspheres of WO 01/18524 with the glass layer element of the pending claims.

However, the recited glass "layer" in the present claims must be continuous. A distribution of microsphere is **not** a continuous glass layer.

As WO 01/18524 does not teach a continuous glass structure or film, WO 01/18524 fails to anticipate the claimed invention. Accordingly, Claims 1-5, 7, 9, 13-16, 18, 24 and 26 are not anticipated under 35 U.S.C. § 102(a) by WO 01/18524 and this rejection may be withdrawn.

Claims 10, 12, 20, 22 and 23 have been rejected under 35 U.S.C. § 103(a) as being obvious over WO 01/18524 in view of Chen et al., for the asserted reason that WO 01/18524 teaches all of the limitations of the claimed invention but for the positioning of the identifier, which deficiency is made up by Chen. However, as reviewed above, WO 01/18524 fails to teach the claimed glass layer element. Furthermore, the recited population of microspheres of WO 01/18524 is a critical feature of the invention disclosed in WO 01/18524, in view of the manner of fabrication of the structure. As such, one could not substitute the microspheres of WO 01/18524 with a continuous glass layer. As such, WO 01/18524 fails to suggest the claimed glass layer element. As Chen has been cited solely for the positioning of

the identifier, it fails to make up this fundamental deficiency in the WO 01/18524 reference. Accordingly, this rejection may be withdrawn.

In the Advisory Action, the Examiner observes that Figure 7 appears to show a continuous surface. However, Figure 7 clearly shows a bead resting in a particle, with crevices around the particle that disrupt any surface such that it is not continuous. Accordingly, as reviewed above, the claims are patentably distinct over the teaching WO 01/18524, either alone or in combination with the cited references.

CONCLUSION

The applicants respectfully submit that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone Dianne Rees at 650 485 5999. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078.

Respectfully submitted,

Date: 3·25·05

By: _____
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